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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/756,158	01/13/2004	William Kress Bodin	AUS920031001US1	3349
34533	7590	03/22/2006		
INTERNATIONAL CORP (BLF) c/o BIGGERS & OHANIAN, LLP P.O. BOX 1469 AUSTIN, TX 78767-1469				
			EXAMINER RUTLEDGE, AMELIA L	
			ART UNIT 2176	PAPER NUMBER

DATE MAILED: 03/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/756,158	BODIN ET AL.	
	Examiner	Art Unit	
	Amelia Rutledge	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/13/04; 5/9/05</u> . | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

1. This action is responsive to communications: original application, filed 1/13/2004.
2. Claims 1-39 are pending in the case. Claims 1, 14, and 27 are independent claims.

Claim Objections

3. Claims 28-39 are objected to because of the following informalities: Claims 28-39 recite a computer program product and it appears that they should depend from independent claim 27 and the subsequent dependent claims. However it appears that these claims contain numerous typographical errors, since they are written to depend from the system claims of independent claim 14 and its dependent claims. For purposes of examination, it is assumed that:
 4. Claims 28, 29, and 31-34 cite: *the computer program product of claim 14...* but should properly depend from claim 27.
 5. Claim 30 cites: *the computer program product of claim 16...* but should properly depend from claim 29.
 6. Claims 35 and 37 cite: *the computer program product of claim 21...* but should properly depend from claim 34.
 7. Claim 36 cites: *the computer program product of claim 22...* but should properly depend from claim 35.

8. Claims 38 and 39 cite: *the computer program product of claim 24...* but should properly depend from claim 37.
9. Appropriate correction is required.

Claim Rejections - 35 USC § 101

10. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

11. **Claims 1-26 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.**

12. **In regard to independent claims 1 and 14**, claims 1 and 14 are nonstatutory because they claim nonfunctional descriptive material and represent abstract ideas (*Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility*, hereinafter "Interim Guidelines", p. 50-51). Note that merely claiming nonfunctional descriptive material, i.e., abstract ideas, stored in a computer-readable medium, does not make it statutory since the requisite functionality to satisfy the practical application requirement must also be present (Interim Guidelines, p. 51).

13. For example, claim 1 cites: *A method for differential dynamic content delivery, the method comprising: providing a session document for a presentation, wherein the session document includes a session grammar and a session structured document; receiving a prerecorded presentation control instruction; selecting from the session structured document a classified structural element in dependence upon the prerecorded presentation control instruction and in dependence upon user*

classifications of a user participant in the presentation; and presenting the selected structural element to the user.

As claimed, claim 1 claims a collection of abstract ideas not recorded on a computer-readable medium, and thereby claims nonfunctional descriptive material. Similarly, while claim 14 claims a *system*, the system as claimed also represents a collection of abstract ideas which are not recorded on a computer readable medium.

In regard to dependent claims 2-13 and 15-26, claims 2-13 and 15-26 are rejected because they add nothing to render the claimed subject matter statutory.

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 1-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bryan et al. (hereinafter "Bryan"), U.S. Patent No. 6,658,414, issued December 2003, in view of Capra et al. (hereinafter "Capra"), "WebContext: Remote Access to Shared Context", ACM International Conference Proceeding Series, Vol. 15, Proceedings of the 2001 Workshop on Perceptive User Interfaces, 2001, p. 1-9:

Independent claim 1 cites: *A method for differential dynamic content delivery, the method comprising: providing a session document for a presentation, wherein the session document includes a session grammar and a session structured document;*

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Bryan teaches a voice portal for dynamic content delivery with a session database which maintains the session context and information for the user (Col. 9, l. 9-14). While Bryan does not explicitly teach providing a session document, i.e., a structured document, Capra teaches a method for differential dynamic content delivery, enabling remotely accessible shared context (p. 1, 2, Sect. 3), with a context grammar including session information and grammar, i.e., specifying the time frame in which web pages were browsed (p. 6, Sect. 5.2.3, especially, p. 6, Col. 2, par. 7), contained in an XML document (p. 5-6, Sect. 5.2.2). Therefore, Capra teaches recording session information and a session grammar in a structured document. Further, it was notoriously well known in the art at the time of the invention that session information could be recorded in both structured documents and database entries.

Both Bryan and Capra are analogous art, since both are directed toward searching and presenting information from the web via a voice interface (Capra, p. 1, Col. 2, par. 3; Bryan, Abstract). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Capra to Bryan, since Capra teaches creating a structured document containing context grammar to help provide access to the shared context for other applications (Capra, p. 6, Sect. 5.2.3) thereby increasing the portability and accessibility of the shared context (Capra, p. 1, Col. 2, par. 1) and Bryan teaches dynamic voice content delivery and would therefore have the benefit of the portable shared context and user query method taught by Capra.

Claim 1 also cites: *receiving a prerecorded presentation control instruction;*
selecting from the session structured document a classified structural element in

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dependence upon the prerecorded presentation control instruction and in dependence upon user classifications of a user participant in the presentation; and presenting the selected structural element to the user.

Bryan teaches that a user may create a unique, personalized voice portal with keywords, and audio macros, i.e., prerecorded presentation control instructions, which are linked with user classifications, such as data sources of interest, as well as the user identification (Col. 9, l. 22-60). The user uses the prerecorded keywords or macros to access and be presented with presentation elements, such as a stock quote or user specified information (Col. 11, l. 6-54).

Regarding dependent claims 2-3, Bryan teaches that the prerecorded presentation control instruction has an associated time stamp (Col. 11, l. 6-17), and that the voice macros can be recorded repeatedly (Col. 11, l. 48-54).

Regarding dependent claim 4, Bryan teaches that the user defines a key phrase and optional parameters for invoking a presentation action; and parsing the key phrase and parameters against a voice response grammar into a presentation control instruction (Col. 9, l. 40-Col. 10, l. 22).

Regarding dependent claim 5, Bryan teaches that the user can associate different vocabulary words with different data sources, specify keywords for searching the data sources, time intervals of interest, etc. (Col. 9, l. 40-60), and may select structural elements within the portal depending on the presentation action identifier and parameters.

Regarding dependent claim 6, Bryan teaches that a user may create a unique, personalized voice portal with keywords, and audio macros, i.e., prerecorded presentation control instructions, which are linked with user classifications, such as data sources of interest, as well as the user identification (Col. 9, l. 22-60).

Regarding dependent claim 7, Bryan teaches that the user specifies a data communications protocol for the presentation, and the information is translated and transmitted to the user in that protocol (Col. 8, l. 47-65).

Regarding dependent claims 8-10, while Bryan teaches a voice portal for dynamic content delivery with a session database which maintains the session context and information for the user (Col. 9, l. 9-14), Bryan does not explicitly teach providing a session document, i.e., a structured document. However, Capra teaches creating the context document, which also contains session information, by extracting information from the web presentation documents viewed by a user (p. 3-5, Sect. 5.1). Capra teaches using a grammar to combine context documents and extract information from them (p. 6, Sect. 5.2.3) to create new output documents, i.e., presentation documents in response to user queries. Capra teaches dynamically filtering the context grammar based on the contents of the files. Bryan teaches creating a voice portal for a user according to the user profile and user classifications (Col. 9, l. 23-60). Bryan teaches searching a structured document to extract user specified information (Col. 8, l. 28-46). Bryan teaches that each user may specify his or her own grammar.

Both Capra and Bryan are analogous art, since both are directed toward searching and presenting information from the web via a voice interface. It would have

been obvious to one of ordinary skill in the art at the time of the invention to apply Capra to Bryan, since Capra teaches creating a structured document containing context grammar to help provide access to the shared context for other applications thereby increasing the portability and accessibility of the shared context, and Bryan teaches dynamic voice content delivery and would therefore have the benefit of the portable shared context and user query method taught by Capra.

Regarding dependent claim 11, Bryan teaches that a user may create a unique, personalized voice portal with keywords, and audio macros, i.e., prerecorded presentation control instructions, which are linked with user classifications, such as data sources of interest, as well as the user identification (Col. 9, l. 22-60). The user uses the prerecorded keywords or macros to access and be presented with presentation elements, such as a stock quote or user specified information (Col. 11, l. 6-54). The user creates his or her own presentation grammar, and the voice portal is created from an original template document (Col. 12, l. 9-31).

Regarding dependent claim 12, Bryan teaches that the user may identify presentation attributes such as the order in which searches will be presented, identifying a classification identifier input by the user, and inserting the identifier into the voice portal, i.e., structured document, in association with the search presentation (Col. 12, l. 60-Col. 13, l. 30).

Regarding dependent claim 13, while Bryan teaches that each user defines a unique presentation grammar, Bryan does not explicitly teach the limitations of dependent claim 13, however, Capra teaches creating a grammar for the structured

document using the Java Speech Grammar Format version 1.0. Capra teaches identifying the content type of the original document; selecting, in dependence upon the content type, a full presentation grammar from among a multiplicity of full presentation grammars; and filtering the full presentation grammar into a presentation grammar for the structured document in dependence upon the structural elements of the structured document (p. 6, Col. 2 and p. 7 Col. 1). Capra teaches the use of a dynamic context free grammar (CFG).

Both Capra and Bryan are analogous art, since both are directed toward searching and presenting information from the web via a voice interface. It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Capra to Bryan, since Capra teaches creating a structured document containing context grammar to help provide access to the shared context for other applications thereby increasing the portability and accessibility of the shared context, and Bryan teaches dynamic voice content delivery and would therefore have the benefit of the portable shared context and user query method taught by Capra.

Regarding independent claim 14 and dependent claims 15-26, claims 14-26 reflect the system used for implementing the methods claimed in independent claim 1 and dependent claims 2-13, and are rejected along the same rationale.

Regarding independent claim 27 and dependent claims 28-39, claims 27-39 reflect the computer program product comprising a recording medium used for implementing the methods claimed in independent claim 1 and dependent claims 2-13, and are rejected along the same rationale.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amelia Rutledge whose telephone number is 571-272-7508. The examiner can normally be reached on Monday - Friday 9:30 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AR


HEATHER R. HERNDON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100
HEATHER R. HERNDON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100